

JONES DAY

250 VESEY STREET • NEW YORK, NEW YORK 10281.1047
TELEPHONE: +1.212.326.3939 • FACSIMILE: +1.212.755.7306

DIRECT NUMBER: (212) 326-8338
MWLAMPE@JONESDAY.COM

October 14, 2021

CM/ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Application granted. The parties should talk & reach more before writing to the Court. The Court does not expect any disputes about redactions at this point.

Re: Chandler v. International Business Machines Corporation, No. 1:21-cv-06319-JGK

*So ordered.
for O/Coef/USD.S.
10/14/21*

Dear Judge Koeltl:

On behalf of Defendant International Business Machines Corp. ("IBM"), I write to respond to Plaintiff's October 13, 2021 letter (ECF No. 22). IBM does not dispute that it would be appropriate for the Court, consistent with Judge Furman's modified ruling, *see In re: IBM Arbitration Agreement Litigation*, No. 1:21-cv-06296 (JMF), at ECF No. 36, to revert to its original order (ECF No. 18) granting Plaintiff's application to seal the summary judgment filings provided that copies of the documents with the allegedly confidential material redacted should be filed in the public docket. IBM notes, however, that in filing this most recent motion (ECF No. 22), Plaintiff yet again did not meet and confer with IBM before seeking relief from the Court. As we pointed out previously, Plaintiff likewise failed to meet and confer with IBM on sealing and redaction in advance of filing his summary judgment motion in the first place. (*See Individual Practices Section VI.*)

To ensure appropriate conferral takes place regarding redacting and sealing issues, IBM requests that the Court order (i) the parties to meet and confer on sealing and redaction of the summary judgment filings, (ii) that no party may file in the public record any material as to which there is a dispute about sealing and redaction until the Court resolves such dispute, and (iii) that in the event of a dispute, the party claiming confidentiality must submit a letter to the Court to justify its position within 3 business days after a live telephone meet-and-confer call on these issues.

JONES DAY

Hon. John G. Koeltl
October 14, 2021
Page 2

Respectfully submitted,

/s/ Matthew W. Lampe

Matthew W. Lampe

cc: Shannon Liss-Riordan, Esq.